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**To: The Star Ledger, ATTN: Elliot**  
**Fax Number: 973-274-8584****From: Simon Law Group**  
**Fax Number: 800-709-1141**  
**Phone Number: 800-709-1131****Date: November 14, 2012****Number of Pages:****Re: Class Action Complaint – JCP&L****Comments:**

Attached please find a copy of the complaint made against JCP&amp;L.

Thank you,

**Britt J. Simon, Esq.****BJS/rs**

Britt J. Simon, Esquire  
 SIMON LAW GROUP  
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*Attorneys for Plaintiffs*

2012 NOV 14 AM 10:53

HUNTERDON COUNTY  
 DEPUTY CLERK

JOHN STYPA, LINDA JACUKOWICZ,  
 AMY MATZA, PATRICK NORRIS,  
 PATRICIA BEGANE-NORRIS,  
 ELIZABETH DEMBESKI,  
 RAYMOND DEMBESKI, BRITT SIMON,  
 LAURA SIMON, ANTHONY VALLARO,  
 DANIEL P. MURPHY, JOYCE MURPHY,  
 DR. KENNETH COSTA, NANCY COSTA,  
 KEN DZIERZAWIEC,  
 SHARON DZIERZAWIEC, RAY FILLER,  
 CHERYL FILLER,  
 ANTHONY GEMIGNANI,  
 ALLSTAR MUSIC ACADEMY LLC.,  
 on behalf of themselves and all others similarly  
 situated,

Plaintiffs,

vs.

FIRST ENERGY CORP., JERSEY CENTRAL  
 POWER & LIGHT, JOHN DOES 1-10 AND  
 ABC CORP. 1-10

Defendants.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION

HUNTERDON COUNTY

DOCKET NO. \_\_\_\_\_

CLASS ACTION

CIVIL ACTION COMPLAINT,  
 DESIGNATION OF TRIAL COUNSEL  
 AND JURY DEMAND

1. Plaintiffs, JOHN STYPA, LINDA JACUKOWICZ, AMY MATZA, PATRICK  
 NORRIS, PATRICIA BEGANE-NORRIS, ELIZABETH DEMBESKI, RAYMOND  
 DEMBESKI, BRITT SIMON, LAURA SIMON, ANTHONY VALLARO, DANIEL P.  
 MURPHY, JOYCE MURPHY, DR. KENNETH COSTA, NANCY COSTA, KEN

DZIERZAWIEC, SHARON DZIERZAWIEC, RAY FILLER, CHERYL FILLER, ANTHONY GEMIGNANI, ALLSTAR MUSIC ACADEMY LLC., bring this action on behalf of themselves and all similarly situated New Jersey residents who have been denied electric and/or gas services for which they contracted or agreed to purchase from defendants.

2. Plaintiffs seek certification of a class under R. 4:32-1, consisting of New Jersey individuals and/or businesses, residing or operating in the State of New Jersey, who have contracted with defendants for electric and/or gas services and goods, and who have been denied such services and goods as a result of the actions and inactions of defendants.

### PARTIES

3. Plaintiff JOHN STYPA, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

4. Plaintiff LINDA JACUKOWICZ, is a natural person and resident of New Jersey, residing in Pittstown of Hunterdon County.

5. Plaintiff AMY MATZA, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

6. Plaintiff PATRICK NORRIS, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

7. Plaintiff PATRICIA BEGANE-NORRIS, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

8. Plaintiff ELIZABETH DEMBESKI, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

9. Plaintiff RAYMOND DEMBESKI, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

10. Plaintiff BRITT SIMON, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

11. Plaintiff LAURA SIMON, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

12. Plaintiff ANTHONY VALLARO, is a natural person and resident of New Jersey, residing in Freehold of Monmouth County.

13. Plaintiff DANIEL P. MURPHY, is a natural person and resident of New Jersey, residing in Lebanon of Hunterdon County.

14. Plaintiff JOYCE MURPHY, is a natural person and resident of New Jersey, residing in Annandale of Hunterdon County.

15. Plaintiff DR. KENNETH COSTA, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

16. Plaintiff NANCY COSTA, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

17. Plaintiff KEN DZIERZAWIEC, is a natural person and resident of New Jersey, residing in Flemington of Hunterdon County.

18. Plaintiff SHARON DZIERZAWIEC, is a natural person and resident of New Jersey, residing in Flemington of Hunterdon County.

19. Plaintiff RAY FILLER, is a natural person and resident of New Jersey, residing in Lebanon of Hunterdon County.

20. Plaintiff CHERYL FILLER, is a natural person and resident of New Jersey, residing in Lebanon of Hunterdon County.

21. Plaintiff ANTHONY GEMIGNANI, is a natural person and resident of New Jersey, residing in Flemington of Hunterdon County.

22. Plaintiff ALLSTAR MUSIC ACADEMY LLC., is a limited liability corporation operating in Flemington of Hunterdon County in the State of New Jersey.

23. Defendant FIRST ENERGY CORP., is an energy and power corporation headquartered in Akron, Ohio, that conducts business in the State of New Jersey.

24. Defendant JERSEY CENTRAL POWER & LIGHT, is a utility company headquartered in Akron, Ohio, that conducts business in the State of New Jersey.

25. Defendants JOHN DOES 1-10, are individuals with knowledge of and responsibility for Plaintiff's injuries.

26. Defendants ABC CORPS. 1-10, are corporations with knowledge of and responsibility for Plaintiff's injuries.

**FIRST COUNT**  
**BREACH OF CONTRACT**

27. On or about October 29, 2012, defendants owned, leased, rented, operated and/or maintained a business in the State of New Jersey, and such business was a public utility that provided electric and/or gas services and goods to the Plaintiffs.

28. On the above date, plaintiffs were similarly situated customers of defendants' services and goods. By way of individual contracts, plaintiffs agreed to pay for electric and/or gas services and goods to be provided and maintained by Defendants.

29. On the above date, defendants ceased providing the contracted services to the plaintiffs. Defendants' failure to perform their contracted obligations lasted no shorter than seven days and in many cases, defendants' failure to provide services continues.

30. Defendants failure to provide electric and/or gas services and goods to plaintiffs, is a breach of defendants' contract with plaintiffs.

31. As a result of defendants' breach, plaintiffs sustained damages.

WHEREFORE, plaintiffs demand judgment for damages against defendants, together with interest, costs of suit and such other relief as the court deems proper.

**SECOND COUNT**  
**NEGLIGENCE**

32. Plaintiffs incorporate all preceding paragraphs of this Complaint as though fully pled here.

33. On the above date, defendants owed a duty to and were responsible for, but not limited to: providing electric and/or gas services and goods; maintaining and properly keeping electric and/or gas equipment; properly and fully preparing for known and anticipated weather conditions and potential effects; properly responding to electric and/or gas outages; properly hiring and employing and maintaining sufficient and knowledgeable agents, servants, employees

and/or contractors. These responsibilities and duties are owed to plaintiffs, as contracted customers of defendants business.

34. On the above date, defendants' failure and omission to provide electric and/or gas services and goods resulted from the negligence, carelessness and recklessness of defendants', its agents, servants and employees.

35. Defendants' negligence, carelessness and recklessness includes but is not limited to the failure and omission to properly and fully prepare for known and anticipated weather conditions and potential effects; failure to maintain and properly keep electric and/or gas equipment; failure to properly respond to electric and/or gas outages; and the failure to properly hire, employ and maintain sufficient and knowledgeable agents, servants, employees and/or contractors.

36. As a direct and proximate result of defendant's negligence, Plaintiffs sustained damages.

WHEREFORE, Plaintiff demands judgment for damages against defendants, together with interest, costs of suit and such other relief as the court deems proper.

### **THIRD COUNT** **CONSUMER FRAUD**

37. Plaintiffs incorporate all preceding paragraphs of this Complaint as though fully pled here.

38. Prior to the failure to deliver electricity and/or gas services, Defendants misrepresented their ability to correct problems with energy delivery, capacity to meet the demands of foreseeable interruptions of service, quality of infrastructure and equipment, and other information to consumers in New Jersey and in particular to the above named plaintiffs and representatives.

39. Defendants employed unconscionable commercial practices, deception, fraud, false promises, misrepresentations, and knowingly concealed, suppressed, and omitted material facts with intent that others rely on that concealment, suppression and omissions. Representations made by the Defendants were negligently, recklessly, and purposefully false and misleading.

40. Plaintiffs reasonably relied on such false and misleading representations, resulting in ascertainable damages.

41. Defendants' action actually and proximately caused damages to the above named Plaintiffs and all others similarly situated.

WHEREFORE, plaintiffs demand judgment for damages against defendants, together with interest, costs of suit and such other relief as the court deems proper.

**FOURTH COUNT**  
**CONSUMER FRAUD**

42. Plaintiffs incorporate all preceding paragraphs of this Complaint as though fully pled here.

43. During the failure to deliver electricity and/or gas services, Defendants misrepresented the dates and times for the restoration of such services, locations of utility crews, priority lists for work to be done, and other information to consumers in New Jersey and in particular to the above named plaintiffs and representatives.

44. Defendants employed unconscionable commercial practices, deception, fraud, false promises, misrepresentations, and knowingly concealed, suppressed, and omitted material facts with intent that others rely on that concealment, suppression and omissions. Representations made by the Defendants were negligently, recklessly, and purposefully false and misleading.


45. Plaintiffs reasonably relied on such false and misleading representations, resulting in ascertainable damages.

46. Defendants' action actually and proximately caused damages to the above named Plaintiffs and all others similarly situated.

WHEREFORE, plaintiffs demand judgment for damages against defendants, together with interest, costs of suit and such other relief as the court deems proper.

SIMON LAW GROUP  
Attorneys for Plaintiffs


BY:

  
\_\_\_\_\_  
Britt J. Simon, Esquire

DATED: November 14, 2012

#### DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury as to all issues.


  
\_\_\_\_\_  
Britt J. Simon, Esquire

DATED: November 14, 2012



**DESIGNATION OF TRIAL COUNSEL**


Britt J. Simon, Esq. is designated as trial counsel in this matter.

  
\_\_\_\_\_  
Britt J. Simon, Esquire

DATED: November 14, 2012




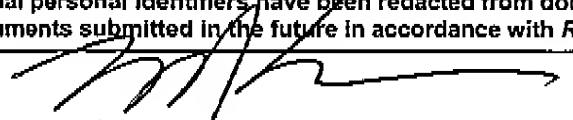
**CERTIFICATION PURSUANT TO R. 4:5-1**

I certify that the matters in controversy in this action are not the subject of any other action pending in any other court or of a pending arbitration proceeding, and that no other action or arbitration proceeding is contemplated.

  
\_\_\_\_\_  
Britt J. Simon, Esquire

DATED: November 14, 2012

## Appendix XII-B1

	<b>CIVIL CASE INFORMATION STATEMENT (CIS)</b>		<b>FOR USE BY CLERK'S OFFICE ONLY</b>	
	Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> <b>Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>,          if information above the black bar is not completed          or attorney's signature is not affixed</b>		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO.: _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	ATTORNEY / PRO SE NAME Britt J. Simon		TELEPHONE NUMBER (800) 709-1131	
	COUNTY OF VENUE Hunterdon 		DOCKET NUMBER (when available)	
FIRM NAME (if applicable) Simon Law Group			DOCUMENT TYPE Complaint	
OFFICE ADDRESS 40 West High Street Somerville, New Jersey 08876			JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
NAME OF PARTY (e.g., John Doe, Plaintiff) JOHN STYPA, et al.  Plaintiffs		CAPTION STYPA v. FIRST ENERGY CORP., et al.		
CASE TYPE NUMBER (See reverse side for listing)  <div style="font-size: 2em; font-weight: bold;">699</div>		IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input checked="" type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION  Class Action				
RECEIVED 2012 NOV 14 AM 10:33 DEPUTY CLERK				
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .				
ATTORNEY SIGNATURE: 				

## Side 2



# CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

## CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

### Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

### Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

### Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

### Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

### Centrally Managed Litigation (Track IV)

- |  |   |
|--|---|
| 285 STRYKER TRIDENT HIP IMPLANTS           | 291 PELVIC MESH/GYNECARE                |
| 288 PRUDENTIAL TORT LITIGATION             | 292 PELVIC MESH/BARD                    |
| 289 REGLAN                                 | 293 DEPUY ASR HIP IMPLANT LITIGATION    |
| 290 POMPTON LAKES ENVIRONMENTAL LITIGATION | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
|  | 623 PROPECIA                            |

### Mass Tort (Track IV)

- |                                       |  |
|---------------------------------------|--|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 271 ACCUTANE/ISOTRETINOIN             | 282 FOSAMAX                            |
| 274 RISPERDAL/SEROQUEL/ZYPREXA        | 284 NUVARING                           |
| 278 ZOMETA/AREXIA                     | 286 LEVAQUIN                           |
| 279 GADOLINIUM                        | 287 YAZ/YASMIN/OCELLA                  |
|                                       | 601 ASBESTOS                           |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category ☒ Putative Class Action ☐ Title 59